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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/759,218         | 01/20/2004             | Durward I. Faries JR. | 1322.0057CNT           |

CONFIRMATION NO. 6438

## FORMALITIES LETTER



\*OC000000012412081\*

27896  
EDEL, SHAPIRO, FINNAN & LYTLE, LLC  
1901 RESEARCH BOULEVARD  
SUITE 400  
ROCKVILLE, MD 20850

Date Mailed: 04/21/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$363** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$813** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.


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385.00 DP  
65.00 DP  
18.00 DP  
02 FC:2001  
03 FC:2051  
04 FC:2202

- Total additional claim fee(s) for this application is **\$363**
  - **\$129** for **3** independent claims over 3.
  - **\$234** for **26** total claims over 20.

Replies should be mailed to:    Mail Stop Missing Parts  
   Commissioner for Patents  
   P.O. Box 1450  
   Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Attorney Docket No.: 1322.0057CNT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the PATENT application of

Durward I. Faries, Jr. et al.

Serial No.: 10/759,218

Filed: January 20, 2004

For: Method and Apparatus for Monitoring Temperature of Intravenously Delivered Fluids  
and Other Medical Items

**Mail Stop Missing Parts**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the subject application are a Response to the Notice to File Missing Parts (2 pages), Copy of a Declaration for Patent Application from Grandparent application serial no. 09/539,183 (3 pages); Copy of Notice to File Missing Parts; Two month Petition for Extension of Time (2 pages); Preliminary Amendment (7 pages); Check No. 7899 in the amount of \$210.00 for payment of the two-month Petition for Extension of Time fee; and Check No. 7898 in the amount of \$468.00 for payment of the subject application small entity filing fee and surcharge.

The Commissioner is hereby authorized to charge any additional fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

Respectfully submitted,

Stuart B. Shapiro

Registration No. 40,169

EDELL, SHAPIRO & FINNAN, LLC

1901 Research Boulevard, Suite 400

Rockville, Maryland 20850-3164

(301) 424-3640

Hand-delivered: 8/3/04

Attorney Docket No. 1322.0057CNT



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Durward I. Faries, Jr. et al.

Serial No.: 10/759,218

Examiner: Unknown

Confirmation No.: 6438

Art Unit: 2859

Filed: January 20, 2004

For: Method and Apparatus for Monitoring Temperature of Intravenously Delivered Fluid and Other Medical Items

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**Mail Stop Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

In response to the Notice to File Missing Parts of Application under 37 C.F.R. § 1.53(e) or (f) mailed **April 21, 2004**, enclosed are:

- ☒ copy of the Notice to File Missing Parts of Application
- ☒ Copy of a Declaration for Patent Application from Grandparent application serial no. 09/539,183 (3 pages)
- ☐ Power to Prosecute
- ☐ Application Data Sheet
- ☒ Preliminary Amendment (7 pages)
- ☒ Two month Petition for Extension of Time (2 pages)
- ☒ Check No. 7899 the amount of \$210.00 for payment of the two-month Extension of Time fee.
- ☐ A copy of the Official Filing Receipt marked in red to show corrections that are needed. Please make the following corrections in the Official Filing Receipt:

Issuance of a corrected filing receipt is respectfully requested.

and the payment of the following fee(s):

- ☒ Filing fee of \$403.00 (☒ Applicant claims Small Entity Status)
- ☒ Surcharge fee for Late Filing of Declaration of \$65.00
- Total Fee due: \$468.00.

The filing fee and surcharge has been calculated as follows:

|  | NO. OF<br>CLAIMS |        | EXTRA<br>CLAIMS | RATE      | FEE             |
|--|------------------|--------|-----------------|-----------|-----------------|
| Basic Application Fee  |                  |        |                 |           | \$770.00        |
| Total Claims   | 22               | - 20 = | 2               | x \$18.00 | 36.00           |
| Independent Claims   | 2                | - 3 =  | 0               | x \$86.00 | 0.00            |
| If multiple dependent claims are presented, add \$280.00   |                  |        |                 |           |                 |
| Total Application Fee  |                  |        |                 |           | 806.00          |
| <input checked="" type="checkbox"/> Applicant claims Small Entity Status (subtract 50% of Total Application Fee) |                  |        |                 |           | 403.00          |
| Other fees: Surcharge fee for Late Filing of Declaration   |                  |        |                 |           | 65.00           |
| <b>TOTAL FEE DUE</b>   |                  |        |                 |           | <b>\$468.00</b> |

- ☒ Check No. 7898 in the amount of \$468.00 for the total fee is attached.
- ☐ Please charge \$\_\_\_\_\_ to Deposit Account No. 05-0460 for the total fee. This paper is being submitted in duplicate.
- ☒ The Commissioner is hereby authorized to charge any additional appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 05-0460.

Dated: 8/3/04

EDELL, SHAPIRO & FINNAN, LLC  
 CUSTOMER NO. 27896  
 1901 Research Boulevard, Suite 400  
 Rockville, MD 20850  
 (301) 424-3640

Respectfully submitted by  
 EDELL, SHAPIRO & FINNAN, LLC

By: Stuart B. Shapiro  
 Stuart B. Shapiro  
 Reg. No. 40,169